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**PRELIMINARY DRAFT**  
**No. 3339**

**PREPARED BY**  
**LEGISLATIVE SERVICES AGENCY**  
**2007 GENERAL ASSEMBLY**

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**DIGEST**

**Citations Affected:** IC 30-2-8.5.

**Synopsis:** Uniform Transfer to Minors Act. Authorizes the self-appointment of certain fiduciaries as custodians under the Uniform Transfer to Minors Act.

**Effective:** July 1, 2007.



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A BILL FOR AN ACT to amend the Indiana Code concerning trusts and fiduciaries.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 30-2-8.5-20 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 20. (a) A personal  
3       representative or trustee may make an irrevocable transfer under  
4       section 24 of this chapter to a custodian for the benefit of a minor as  
5       authorized in the governing will or trust.

6       (b) If the testator or settlor has nominated a custodian under section  
7       18 of this chapter to receive the custodial property, the transfer shall be  
8       made to that person.

9       (c) If the testator or settlor has not nominated a custodian under  
10      section 18 of this chapter, or a person nominated as custodian dies  
11      before the transfer or is unable, declines, or is ineligible to serve, the  
12      personal representative or the trustee shall designate the custodian from  
13      among those eligible to serve as custodian for property of that kind  
14      under section 24(a) of this chapter. **The personal representative or**  
15      **trustee may be designated as custodian under this subsection if the**  
16      **personal representative or trustee is eligible to serve as custodian**  
17      **for property of that kind under section 24(a) of this chapter.**

18      SECTION 2. IC 30-2-8.5-21 IS AMENDED TO READ AS  
19      FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 21. (a) A personal  
20      representative or trustee may make an irrevocable transfer to another  
21      adult or trust company as custodian for the benefit of a minor under  
22      section 24 of this chapter in the absence of a will or under a will or  
23      trust that does not contain an authorization to do so. **The personal**  
24      **representative or trustee may also serve as the custodian of the**  
25      **transferred property if the personal representative or trustee is**  
26      **qualified under section 24 of this chapter.**

27      (b) A guardian may make an irrevocable transfer to another adult or  
28      trust company as custodian for the benefit of the minor under section  
29      24 of this chapter. **The guardian may also serve as the custodian of**  
30      **the transferred property if the guardian is qualified under section**  
31      **24 of this chapter.**



- 1 (c) A transfer under subsection (a) or (b) may be made only if:
- 2 (1) the personal representative, trustee, or guardian considers the
- 3 transfer to be in the best interest of the minor;
- 4 (2) the transfer is not prohibited by or inconsistent with provisions
- 5 of the applicable will, trust agreement, or other governing
- 6 instrument; and
- 7 (3) the transfer is authorized by the court if the property
- 8 transferred exceeds ten thousand dollars (\$10,000) in value.

